



COMDTNOTE 5102

COMMANDANT NOTICE 5102

CANCELLED:

Subj: VESSEL TRAFFIC SERVICE AND SECTOR COMMAND CENTER WATCHSTANDER
POST ACCIDENT DRUG TESTING POLICY

1. PURPOSE. This Notice establishes policy for testing select Vessel Traffic Service (VTS) and Sector Command Center (SCC) watchstanders following a marine accident.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Council, and special staff offices at headquarters shall ensure that the provisions of this Notice are followed. Internet release authorized.
3. DISCUSSION. Select civilian members of the Coast Guard are governed by the drug testing policies contained in Department of Transportation (DOT) Order 3910.1C. The order outlines requirements and procedures for drug testing of covered employees in all transportation modes. Civilian VTS watchstanders (2150 series) and SCC watchstanders (0301 series) are among covered employees. Post-accident drug testing for Coast Guard active duty watchstanders is not specifically addressed in the Coast Guard Personnel Manual, COMDTINST M1000.6 (series); however active duty personnel assigned to VTS and SCC watchstanding positions perform the same duties as civilians watchstanders and are afforded the same high degree of responsibility in the Vessel Traffic Center (VTC) or Sector Command Center (SCC). Therefore, it is VTS and SCC Program policy that post-accident drug testing, when ordered, for military and civilian VTS and SCC watchstanders, shall be conducted in accordance with established military or civilian employee procedures. References to SCC watchstanders herein, refer to Operations Unit Watch and Communications Unit Watch (legacy SAR Controllers).

DISTRIBUTION – SDL No. 149

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NON-STANDARD DISTRIBUTION: B:a CG-7412, CG-7413; B:c DPW

This directive is intended to provide clarification of who is responsible for making the post-accident testing determination within the Coast Guard chain of command and what criteria is used to make the determination. Additionally, "post-accident testing" for active duty personnel in the VTS and SCC, shall be conducted in accordance with "competence for duty testing following a mishap" as provided in Chapter 20.c.2.a.8. of the Coast Guard Personnel Manual, COMDTINST M1000.6 (series).

4. **PROCEDURES.** Testing may be required of any VTS or SCC watchstander when management determines an accident has occurred that qualifies for post-accident testing according to the provisions set forth in the subparagraphs below.
 - a. **When to test.** Upon determining that testing is required, it shall be conducted as soon as practicable following the accident. For the purposes of this directive, an accident that may require testing is one that involves (as stated in 46 CFR 4.03) "...any casualty or accident involving a vessel occurring upon the navigable waters of the United States, its territories or possessions...including any accidental grounding...collision, allision, stranding ...or any occurrence involving a vessel which results in damage by or to the vessel, its apparel, gear, or cargo... ". Testing should be considered when an accident involves one or more of the following events:
 - (1) a fatality,
 - (2) a serious injury,
 - (3) substantial damage to vessels or property,
 - (4) substantial damage to the environment.

For the purpose of this section, a serious injury shall include any injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid. Substantial damage to vessels shall mean damage in excess of \$100,000 or the actual total loss of the vessel. Substantial damage to the environment shall mean discharge of oil of 10,000 gallons or more into the navigable waters of the United States, and/or discharge or release of a reportable quantity of hazardous substance into the navigable waters of the United States as stated in 49CFR171.15

- b. **Who to test.** Only employees whose job performance at or about the time of the accident provides reason to believe that such performance may have contributed to the accident, or cannot be completely discounted as a contributing factor to the accident, shall be determined to be subject to post-accident testing.
 - c. **Mandatory steps.** The determination to initiate post-accident testing shall be made in the following manner:
 - (1) The Sector Commander, VTS Director, SCC Supervisor or the designated representative shall determine whether the accident meets the criteria listed in 4.a. and b. above based on a review of all facts reasonably available.

- (2) Following a determination that the accident qualifies for post-accident testing, the Sector Commander, VTS Director, SCC Supervisor or the designated representative shall determine which, if any, VTS or SCC watchstanders should be tested.
 - (3) The process of determination, specified in subparagraph (1) and subparagraph (2) above, shall be completed, the proper written notification shall be given to the employee(s) and testing must be accomplished as soon as practicable after the accident or incident. If a determination not to conduct testing is made, this must be documented as well.
- d. Testing and Notification. Whenever feasible, a drug test must be completed within four hours after the accident or incident. When testing civilian watchstanders, if a required post-accident test for illegal drug use is not conducted within four hours following the accident, the Sector Commander, VTS Director, SCC Supervisor or the designated representative shall submit a report to the designated Drug Program Coordinator at Coast Guard Headquarters, Commandant (CG-1213) stating the reason(s) why the test was not promptly conducted.
5. IMPLEMENTATION. Sector Commanders, VTS Directors and SCC Supervisors shall ensure local procedures to implement this policy are developed and incorporated into local operating procedures documents. Training on these procedures shall be included in the VTS and SCC watchstander qualification programs to ensure all employees are aware of the requirements and procedures outlined in the DOT Order 3910.1C, the Personnel Manual, COMDTINST M1000.6 (series) and this directive.
6. ENVIRONMENTAL ASPECT AND IMPACT. Environmental considerations were examined in the development of this COMDTNOTE and have been determined to be not applicable.
7. FORMS/REPORTS. None.

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